

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, July 6, 2015  
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:12 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Zelinski, Benner, Nichols, Taylor, Krautkramer, Langdon, Keehan

EXCUSED: Alderman Rollins-Jump

ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Auxier, CDD Keil, PRD Tungate,

PHD McKenney, LD Lenz, FM Sassman, Clerk Galeazzi

DEPT. HEAD EXCUSED: DPW Radtke

D. PUBLIC HEARING

NONE

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY

(five (5) minute time limit for each person)

Dina Lein, 878 Third Street, Menasha. On-going issues with neighbor. Request ordinance change.

Tim Jacobson, 732 Paris Street, Menasha. 1) Marina Arc needs maintenance; 2) Behavior of Council members.

Chris Klein, 730 Keyes Street, Menasha. 1) Questions on TIF 13, office building, parking structure; 2) Questions on RR Donnelley site.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Clerk Galeazzi - the following minutes and communications have been received and placed on file:

Minutes to receive:

a. [Board of Public Works, 06/15/15.](#)

b. [Landmarks Commission, 06/15/15.](#)

c. [Library Board, 06/18/15.](#)

d. [Plan Commission, 06/16/15.](#)

e. [Water and Light Commission, 05/27/15.](#)

f. [Winnebago County Joint Review Board, 06/16/15.](#)

Communications:

g. [Waverly Sanitary District Meeting Minutes, 05/14/15.](#)

h. [Jamie Leonard, President, IAFF Local 275, Neenah-Menasha Professional Fire Fighters, Inc. to CA Captain, 06/22/15; Requesting to open discussions pertaining to their contract that expires on 12/31/15.](#)

i. [DPW Radtke, 6/30/15: Scheduled closing of Racine St. between Third and Fourth Streets on July 8.](#)

j. [DDMO Alix, 07/01/15; Solid Waste Collection Costs & Comparison.](#)

Moved by Ald. Benner seconded by Ald. Keehan to receive Minutes and Communications A-J.

General discussion ensued on Minutes C (Library Board), Comm. H (IAFF Local 275 letter), Comm. I (closing of Racine Street).

Motion carried on voice vote.

## G. CONSENT AGENDA

(Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Alderman and place immediately following action on the Consent Agenda. The procedures to follow for the Consent Agenda are: (a) removal of items from Consent Agenda; and (b) motion to approve the items from Consent Agenda.)

### Minutes to approve:

1. [Common Council, 06/15/15.](#)

Board of Public Works, 06/15/15 – Recommends the Approval of:

2. [Payment – Janke General Contractors; Gilbert Riverfront Trail, Contract No. 2014-03; \\$89,331.58 \(Payment No. 2\).](#)

Plan Commission, 06/16/15 – Recommends the Approval of:

3. [The Certified Survey Map, Appleton Road and Midway Road, Kwik Trip.](#)
4. [The Certified Survey Map, 177 Main Street and Vicinity, with the condition that Outlot 1 along with the description of Outlot 1 be removed from the Certified Survey Map.](#)
5. [Plan Commission Resolution 1-2015 Designating Proposed Boundaries and Recommending Approval of the Plan for Tax Incremental District #13.](#)
6. [Plan Commission Resolution 2-2015 Recommending Approval of the Proposed Project Plan Amendment for Tax Incremental District #5.](#)

Board of Public Works, 07/06/15 – Recommends the Approval of:

7. [Change Order – Janke General Contractors; Gilbert Riverfront Trail; Contract No. 2014-03; DEDUCT: \\$9,205.75 \(Change Order No. 2\).](#)
8. [Change Order – Janke General Contractors; Gilbert Trestle Improvements; Contract No. 2014-04; DEDUCT: \\$41,383.00 \(Change Order No. 2\).](#)

Ald. Langdon requested to remove Consent Agenda item 4.

Ald. Taylor requested to remove Consent Agenda items 5 & 6.

Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda items 1, 2, 3, 7, 8.

Motion carried on roll call 7-0.

## H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Langdon seconded by Ald. Keehan to approve Consent Agenda item 4, CSM, 177 Main St. and vicinity with the condition that Outlot 1 along with the description of Outlot 1 be removed from CSM. General discussion ensued on the 2 foot parcel that was removed from CSM.

Motion carried on roll call 7-0.

Moved by Ald. Benner seconded by Ald. Nichols to approve Consent Agenda item 5, Plan Commission Resolution 1-2015 Designating Proposed Boundaries and Recommending Approval of the Plan for Tax Incremental District #13.

General discussion ensued on properties included in TIF #13 Project Plan.

Motion carried on roll call 6-1. Ald. Zelinski voted no.

Moved by Ald. Benner seconded by Ald. Nichols to approve Consent Agenda item 6, Plan Commission Resolution 2-2015 Recommending Approval of the Proposed Project Plan Amendment for Tax Incremental District #5.

Motion carried on roll call 6-1. Ald. Zelinski voted no.

## I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 06/18/15 to 07/02/15 in the amount of \\$1,600,576.38.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve accounts payable and payroll.

General discussion on expenditures.

Motion carried on roll call 7-0.

2. [Beverage Operators License Applications for the 2015-2017 licensing period.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve beverage operator's license applications listed on memo dated 7/1/15.

Motion carried on roll call 7-0.

Unanimous consent from Council to allow Emily Hein to speak.

Emily Hein addressed the Council on the incident that appeared on her background check. It was her understanding she was not convicted of the incident but it was "read into the record".

PC Styka explained what happens when an incident is "read into the records".

Moved by Ald. Zelinski seconded by Ald. Langdon to approve beverage operator's license application of Emily Hein.

Motion carried on roll call 5-2.

Ald. Krautkramer, Langdon, Keehan, Zelinski, Benner voted yes. Ald. Nichols and Taylor voted no.

Moved by Ald. Nichols seconded by Ald. Keehan to deny beverage operator's license application of Tonia Stephan as she does not meet the criteria under Guidelines for Operator Licenses.

Motion carried on roll call 7-0.

3. [Class "B" and Class C Liquor License Application for 13 Main Enterprises RCK LLC, d/b/a 13 Main, 13 Main Street, Menasha, Choi Robert Schake, agent for the 2015-2016 licensing year.](#)

Moved by Ald. Taylor seconded by Ald. Nichols to approve Class "B" and Class C Liquor License Application for 13 Main Enterprises RCK LLC, d/b/a 13 Main, 13 Main Street, Menasha, Choi Robert Schanke, agent for the 2015-2016 licensing year.

Motion carried on roll call 7-0.

4. [Acquisition of the RR Donnelley Ahnaip Street Property.](#)

CDD Keil explained staff has been working with RR Donnelley on acquiring the property on Ahnaip Street in accordance with Common Council directive. They have reached a tentative understanding on the terms to be included in a purchase agreement. Staff is asking for authorization to prepare a land purchase agreement and have an appraisal and environmental assessment of the property.

General discussion ensued on impact to property when Racine Street Bridge is replaced, other uses of the property, terms of the purchase agreement.

Moved by Ald. Nichols seconded by Ald. Taylor to authorize staff to prepare a land purchase agreement for the RR Donnelley Ahnaip Street property and to authorize expenditure of Community Development budgeted funds in an amount not to exceed \$32,500 for appraisal and environmental assessment of the property.

Motion carried on roll call 7-0.

5. Ground Lease Agreement - Broad Street Parking Lot. (As recommended by Plan Commission)

Moved by Ald. Benner seconded by Ald. Keehan to approve Ground Lease Agreement for Broad Street Parking Lot.

CA Captain explained the Plan Commission recommended entering into an agreement for the Broad Street parking lot, but not the terms. She is working on the final terms of the agreement and will bring it back at a future Common Council meeting.

General discussion ensued on terms of agreement allowing use of ground level of ramp during non-business hours.

Ald. Benner and Ald. Keehan removed their motion.

6. [Police K-9 Vehicle.](#)

PC Styka explained the Police K-9 vehicle was recently loss due to a fire. Insurance funds and department funds will cover the purchase of a new vehicle. Special equipment for the vehicle will be covered by vehicle maintenance budget.

General discussion ensued on the cause of the fire, funding for vehicle.

Moved by Ald. Taylor seconded by Ald. Keehan to grant authorization for the Police Department to purchase a Police Interceptor SUV for use as the new Police K-9 vehicle in the amount of \$29,723.00, \$16,344.00 from insurance and \$13,379 from Police Department budget.

Motion carried on roll call 7-0.

7. [First Amendment to Tower and Ground Space Lease Agreement Between City of Menasha and Sprint Spectrum, L.P. Dated November 7, 2013.](#)

CA Captain explained Sprint Spectrum L.P. submitted their changes to the Tower and Ground Space Lease Agreement. The Common Council approved an amendment at a previous meeting. Their changes are clarification of the terms.

Moved by Ald. Nichols seconded by Ald. Langdon to approve First Amendment to Tower and Ground Space Lease Agreement Between City of Menasha and Sprint Spectrum, L.P. dated November 7, 2013.

Motion carried on roll call 7-0.

J. ORDINANCES AND RESOLUTIONS

1. [R-19-15: Resolution Approving the Project Plan and Establishing the Boundaries for and the Creation of Tax Incremental District No. 13, City of Menasha, Wisconsin. \(Recommended by Plan Commission\).](#)

Todd Taves from Ehlers reviewed the Project Plan for TID No. 13. He explained the plan and the financial obligation.

General discussion ensued on status of WEDC grant, properties included and not included in Project Plan, value of properties in Project Plan.

Moved by Ald. Benner seconded by Ald. Nichols to adopt R-19-15 Resolution Approving the Project Plan and Establishing the Boundaries for the Creation of Tax Incremental District No. 13, City of Menasha, Wisconsin.

Motion carried on roll call 6-1. Ald. Zelinski voted no.

2. [R-20-15: Resolution Approving an Amendment to the Project Plan of Tax Incremental District No. 5, City of Menasha, Wisconsin. \(Recommended by Plan Commission\).](#)

Todd Taves from Ehlers explained this is an amendment for a onetime transfer of funds from TID No. 5 to TID No. 13 as a source of funding a portion of developer's incentive.

Moved by Ald. Nichols seconded by Ald. Benner to adopt R-20-15 Resolution Approving an Amendment to the Project Plan of Tax Incremental District No. 5, City of Menasha, Wisconsin.

Motion carried on roll call 6-1. Ald. Zelinski voted no.

K. APPOINTMENTS

L. HELD OVER BUSINESS

1. [Amendment No. 2 to Third Street Bridge Design Agreement \(WisDOT/Ayres Associates/City of Menasha\).](#) Held from 06/15/15 meeting.

Moved by Ald. Nichols seconded by Ald. Keehan to approve Amendment No. 2 to Third Street Bridge Design Agreement (WisDOT/Ayres Associates/City of Menasha).

Motion carried on roll call 7-0.

M. CLAIMS AGAINST THE CITY

None

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

(five (5) minute time limit for each person)

No one spoke.

O. RECESS TO BOARD OF PUBLIC WORKS

Moved by Ald. Benner seconded by Ald. Keehan to recess at 8:38 p.m.  
Motion carried on voice vote.

Reconvene at 9:06 p.m.

P. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. CA Captain – Update on Litigations:

1. Incorporation of a portion of lands comprising the Town of Menasha, Winnebago County, WI; Case No. 15-CV-452 (Fox Crossing).

CA Captain updated the Council on recent hearings on the incorporation of the Town of Menasha. As directed by the Council, CA Captain filed the documents to be a Party of Interest. She explain rule of Circuit Court on incorporation. City did question legal description on petition. City did not voice any objection to legal description. As a Party of Interest the City can request a hearing in front of the Incorporation Review Board once the order has been signed.

Moved by Ald. Nichols seconded by Ald. Keehan to authorize CA Captain to request a hearing in front of Incorporation Review Board after the order has been signed.  
Motion carried on roll call 7-0.

2. City of Kaukauna vs. Village of Harrison et al. Circuit Court Case No. 13-CV-159, Appellate Case Number 2014AP2828.

CA Captain explained case is in Appellate Court. Briefings have been completed and waiting for decision.

3. City of Menasha vs. Waverly Sanitary District et al. Circuit Court Case Number 2013CV00189, Appellate Case Number 2014AP001576.

CA Captain explained case is Appellate Court. Briefings have been completed and waiting for decision.

2. If needed, Motion to Adjourn into Closed Session pursuant to Wis. Stats. §19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Incorporation of a portion of lands comprising the Town of Menasha, Winnebago County, WI, Case No.15-CV-452; City of Kaukauna vs. Village of Harrison et al. Circuit Court Case No. 13-CV-159, Appellate Case Number 2014AP2828; City of Menasha vs. Waverly Sanitary District et al. Circuit Court Case Number 2013CV00189, Appellate Case Number 2014AP001576).  
No Action.

3. If needed, may reconvene into open session immediately following any closed session in order to take action on the closed session items. Wis. Stat. 19.85(2).  
No Action.

Q. ADJOURNMENT

Moved by Ald. Keehan seconded by Ald. Langdon to adjourn at 9:24 p.m.  
Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk